

1 Amend 2 Cal. Code Regs. section 18702.4 as follows:

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3 **18702.4. Exceptions**

4
5 (a) Making or participating in making a governmental decision shall not include:

6 (1) Actions of public officials which are solely ministerial, secretarial, manual, or
7 clerical;

8 (2) Appearances by a public official as a member of the general public before an agency
9 in the course of its prescribed governmental function to represent himself or herself on matters
10 related solely to the official's personal interests as defined in Title 2, California Code of
11 Regulations, section 18702.4(b)(1); or

12 (3) Actions by public officials relating to their compensation or the terms or conditions
13 of their employment or contract. In the case of public officials who are "consultants," as defined
14 in Title 2, California Code of Regulations, section 18701(a)(2), this includes actions by
15 consultants relating to the terms or conditions of the contract pursuant to which they provide
16 services to the agency, so long as they are acting in their private capacity.

17 (b) Notwithstanding Title 2, California Code of Regulations, section 18702.3(a), an
18 official is not attempting to use his or her official position to influence a governmental decision
19 of an agency covered by that subsection if the official:

20 (1) Appears in the same manner as any other member of the general public before an
21 agency in the course of its prescribed governmental function solely to represent himself or
22 herself on a matter which is related to his or her personal interests. An official's "personal
23 interests" include, but are not limited to:

24 (A) An interest in real property which is wholly owned by the official or members of his
25 or her immediate family.

26 (B) A business entity wholly owned by the official or members of his or her immediate
27 family.

28 (C) A business entity over which the official exercises sole direction and control, or over

1 which the official and his or her spouse jointly exercise sole direction and control.

2 (2) Communicates with the general public or the press.

3 (3) Negotiates his or her compensation or the terms and conditions of his or her
4 employment or contract.

5 (4) Prepares drawings or submissions of an architectural, engineering or similar nature to
6 be used by a client in connection with a proceeding before any agency. However, this provision
7 applies only if the official has no other direct oral or written contact with the agency with regard
8 to the client's proceeding before the agency except for necessary contact with agency staff
9 concerning the processing or evaluation of the drawings or submissions prepared by the official.

10 (5) Appears before a design or architectural review committee or similar body of which
11 he or she is a member to present drawings or submissions of an architectural, engineering or
12 similar nature which the official has prepared for a client if the following three criteria are met:

13 (A) The review committee's sole function is to review architectural or engineering plans
14 or designs and to make recommendations in that instance concerning those plans or designs to a
15 planning commission or other agency;

16 (B) The ordinance or other provision of law requires that the review committee include
17 architects, engineers or persons in related professions, and the official was appointed to the body
18 to fulfill this requirement; and

19 (C) The official is a sole practitioner.

20 (c) Academic Decisions

21 (1) Except as provided in subsection (c)(2), neither disclosure of financial interests nor
22 disqualification is required under Government Code sections 87100, 87302, or any Conflict of
23 Interest Code, in connection with:

24 (A) Teaching decisions, including the selection by a teacher of books or other
25 educational materials for use within his or her own school or institution, and other decisions
26 incidental to teaching;

27 (B) Decisions made by a person who has teaching or research responsibilities at an
28 institution of higher education to pursue personally a course of academic study or research, to

1 apply for funds to finance such a project, to allocate financial and material resources for such
2 academic study or research, and all decisions relating to the manner or methodology with which
3 such study or research will be conducted. Provided, however, that the provisions of this
4 subsection (c)(1)(B) shall not apply with respect to any decision made by the person in the
5 exercise of institution- or campus-wide administrative responsibilities respecting the approval or
6 review of any phase of academic research or study conducted at that institution or campus.

7 (2) Disclosure (consistent with regulation 18755) shall be required under Government
8 Code section 87302 or any Conflict of Interest Code in connection with a decision made by a
9 person or persons at an institution of higher education with principal responsibility for a research
10 project to undertake such research, if it is to be funded or supported, in whole or in part, by a
11 contract or grant (or other funds earmarked by the donor for a specific research project or for a
12 specific researcher) from a nongovernmental entity, but disqualification may not be required
13 under Government Code sections 87100, 87302 or any Conflict of Interest Code in connection
14 with any such decision if the decision is substantively reviewed by an independent committee
15 established within the institution.

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17 Note: Authority: Section 83112, Gov. Code

18 Reference: Section 87100, Gov. Code